

Protective Orders Committee
Indiana Judicial Center
Division of State Court Administration

Minutes
October 27, 2000

The Protective Order Committee met at the Indiana Judicial Center on Friday, October 27, 2000 from 1:00 p.m. - 4:00 p.m.

1. Members present. David H. Coleman, Robert E. Lybrook, Christina J. Miller, Chris D. Monroe, Ruth D. Reichard, Jerry L. Ummel, and John W. Forcum, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Guest present. Allen Pope also attended the committee meeting.
4. Minutes approved. The minutes for the meeting on August 25, 2000 were approved.
5. Protective orders.
 - a. Interstate Form. Mr. Jones distributed a suggested uniform Order of Protection Cover Sheet developed at Kentucky regional meeting in Sept. 2000. The committee raised the following questions about the use of the cover sheet: Is the use of this form limited to civil cases or could it be used in criminal, juvenile, CHINS, and paternity cases? Does it only include only the orders that meet federal requirements for domestic violence? Can it apply to orders longer than one year? Can this form be used with multiple plaintiffs and defendants? Can the committee recommend or require the form be used? Should the use of the form be required by statute or court rule? The committee agreed by consensus they are interested in the use of this form and asked Mr. Jones to ask the drafters the above questions.
 - b. Legislation. Mr. Bercovitz reported that legislation would be introduced in 2001 to: Amend the Indiana Code to recognize tribal protective orders; Add model Full Faith and Credit laws to Indiana; and add immunity language for law enforcement officers enforcing orders from other states. Mr. Bercovitz distributed the Model Full Faith and Credit State Act to members of the committee. The committee may be able to note issues that Legislative Services Agency or others would not see.
 - c. NCIC, Fees. Judge Reichard reported that persons from Indiana persuaded the FBI, which runs NCIC, to enable a query for protective orders by the petitioner=s name in addition to the respondent=s name. This means that NCIC will accept protective orders without a numeric identifier for the respondent. One more committee must approve this change. The new capability could be enabled as early as January, 2001. She stated federal law banning all court fees for protective orders in domestic disputes was passed and expected corresponding state legislation to be introduced.
 - d. Committee work. The committee members discussed the future work of the committee. They agreed that to solve problems with protective orders, they should adopt the protective order portion of the Model Code on Domestic and Family Violence for use in Indiana, improve present forms and procedures to assist Indiana judges before taking on other issues, and help clerks with the amount of work generated by protective orders. Judge Forcum distributed an outline of suggested long term legislative changes.
 - e. Committee recommendation. Committee members agreed by consensus to recommend to the Chief Justice that the committee work on adoption of the Protective Order portion of the Model Code on Domestic and Family Violence for use in Indiana. They will examine funding of community dispute resolution centers for the benefit of the Aneighbor vs. neighbor@ protective

orders not in the code. They also agreed that, while working on the Model Code, the committee can address problems under Indiana=s current protective order laws. Judge Forcum agreed to communicate the committee=s decision to the Chief Justice.

f. Resources needed. The committee discussed the following resources needed for future committee work: a copy of the model code on disk, a review of the Indiana=s current protective order statutes, determine what other groups are interested in this area, determine what other states have adopted the protective order portion of the model code, and what adjustments were made in their state=s adoption, what judges in other states think of the application of this law, and how other states handle the protective orders not covered by the model code. They discussed meeting with NCJFCJ project staff to discuss model code, experts, and others about its adoption in other states. They discussed the need for a representative from the Prosecuting Attorneys Council at committee meetings when criminal penalties are reviewed. Mr. Bercovitz agreed to look for grant monies for code development.

6. December conference. Mr. Bercovitz reported that Judge Reichard would lead two sessions concerning protective orders at the December, 2000 judicial conference in Indianapolis, one on bail release decisions and the other on giving full faith and credit to protective orders. Committee members discussed examples of full faith and credit problems seen in their courts.

7. Future meeting dates. The committee agreed to meet Friday, December 8, 1:00 p.m.- 4:00 p.m. The committee agreed to bring lunch for the meetings in 2001 and meet on Friday, January 26, 2001, 12:30 p.m. - 4:00 p.m.; Friday, February 23, 2001, 12:30 p.m. - 4:00 p.m.; Friday, March 23, 2001, 12:30 p.m. - 4:00 p.m.; Friday, April 27, 2001, 12:30 p.m. - 4:00 p.m.; Friday, June 29, 2001, 12:30 p.m. - 4:00 p.m.; Friday, July 27, 2001, 12:30 p.m. - 4:00 p.m.; and Friday, August 24, 2001, 12:30 p.m. - 4:00 p.m.

Respectfully submitted,

Jeffrey Bercovitz, Director
Probation and Juvenile Services